

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN RE: AUTOMOTIVE PARTS)
ANTITRUST LITIGATION) Master File No. 12-md-02311
)
THIS DOCUMENT RELATES TO:) Judge Marianne O. Battani
) Magistrate Mona K. Majzoub
)
All Actions)
)
)

**FIRST AMENDMENT TO
GUIDELINES FOR MATTERS REFERRED TO MASTER**

The Guidelines for Matters Referred to Master are hereby amended by adding section 3. below. The original Guidelines dated September 8, 2014, shall remain in full force and effect.

On August 29, 2014, the undersigned was appointed Master in the above-referenced matter pursuant to Fed. R. Civ. P. 53. The following guidelines are suggested to the parties in dealing with the Master:

1. Scheduling Disputes. On all discovery scheduling issues, the parties must first confer in advance and attempt to resolve any scheduling disputes. If the parties are unable to resolve a scheduling dispute, it shall be submitted for resolution by the Master via e-mail letters from the parties

involved. A party seeking the assistance of the Master shall send an e-mail letter to the Master specifically describing the nature of the dispute, the respective positions of the parties, any legal authority that may apply to the dispute, and the suggested relief being sought. The opposing party shall have three (3) days within which to file a responsive letter setting forth its position in the discovery scheduling dispute, any legal authority in support and the suggested relief sought. Thereafter, the Master shall promptly schedule a conference call between the parties involved in an attempt to mediate a resolution of the scheduling dispute. If a resolution of the scheduling dispute is not achieved during the Mediation, the Master will resolve the dispute through issuance of a written order. Either side may file objections to the Master's order with the Court as provided in the Order Appointing Master.

2. Pretrial Discovery Motions. Initially, the parties shall confer and attempt to voluntarily resolve and pretrial discovery motions. Thereafter pretrial discovery motions shall be filed with the Court as provided under local Court Rules. A copy of the discovery motion shall simultaneously be forwarded to the Master via e-mail, overnight express mail or hand delivery, depending on the page limitations set forth in the Order Appointing Master. The response to the discovery motion shall similarly be filed with the Court

pursuant to local Court Rules and simultaneously served upon the Master in same manner referenced for Discovery Motions. Thereafter, the Master will convene a conference between the parties to mediate a resolution of the discovery dispute. If the dispute is not resolved during the Mediation conference, the Master will convene a hearing, via telephone conference or in person, to receive oral argument upon the motion. All in person hearings shall be held in the offices of Judge Battani and in the presence of her Court Reporter who shall record and transcribe the proceedings as provided in the Order Appointing Master. Thereafter the Master will issue a written order resolving the dispute. The order will be appealable to the Court as provided in the Order Appointing Master.

3. Proposed Orders. When submitting a pre-trial motion or a response to a pre-trial motion, the parties shall attach a proposed order to their respective motion or response.

Dated: September 16, 2014

/s/ Gene J. Esshaki

GENE J. ESSHAKI, MASTER

CERTIFICATE OF SERVICE

I hereby certify that on September 16, 2014, I electronically filed the First Amendment to Guidelines for Matters Referred to Master with the Clerk of the Court using the ECF system which will send notification of such filing to the parties/attorneys of record.

Dated: September 16, 2014

Respectfully submitted,

ABBOTT NICHOLSON, P.C.

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